IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

ARBITRATION PETITION NO. 19 OF 2005

M/s. Gobindram and Sons .. Petitioner

Vs.

Union of India and Ors. .. Respondents

Mr. Subodh S. Shah for Petitioner.
Mr. S.R. Rajguru for Respondents.

CORAM : B. H. MARLAPALLE,J.

Date : February 24, 2006.

P.C.:

1. Heard the learned counsel for the respective parties.

2. Admittedly, by an order dated 7/8/2003 the Major General and Officiating Engineer-in-Chief, Army Headquarters, Kashmir House, New Delhi had appointed Mr. T.K. Saha, Chief Engineer as the Arbitrator in terms of Condition No.70 of the agreement between the respondents and the petitioner. But Mr. Saha could not complete the arbitral proceedings on account of his subsequent transfer.

3. The learned counsel for the respondents has placed on record a copy of the order dated 13/7/2005 passed by the Lt. General and Engineer-in-Chief, Army

Headquarters, Kashmir House, New Delhi whereby Mr. K. Ravi Kishore, Chief Engineer (QS & C) Designate has been appointed as the Arbitrator in place of Mr. T.K. Saha. The said order clearly states that Mr. Saha has resigned from his appointment as sole Arbitrator on 28/6/2005. As per the learned counsel for the respondents Mr. K. Ravi Kishore, who is now the Superintending Engineer (QS & C) has issued notice to the petitioner on 13/8/2005 and even on 4/1/2006 and there has been no response from the petitioner to the same.

4. It is, therefore, clear that the arbitral proceedings are in progress and it is for the petitioner to appear before the new Arbitrator. The last date was fixed as 13/1/2006. The petitioner undertakes to appear before the Arbitrator on 6/3/2006 between 11 a.m. to 2 p.m.

5. Petition is disposed off in terms of the above order.

(B.H. Marlapalle, J.)